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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,327	06/27/2002	Remi Deh	09669/021001	1726

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EXAMINER
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CHEA, PHILIP J

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/069,327	DEH ET AL.	
	Examiner	Art Unit	
	Philip J. Chea	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This Office Action is in response to an Amendment filed September 7, 2005. Claims 1-14 are pending. Any rejection not set forth below has been overcome by the current Amendment.

#### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. France 99 10747, filed on 8/24/1999.

#### *Information Disclosure Statement*

2. The information disclosure statement (IDS) submitted on 6/27/02 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lisimaque et al. (WO 98/09257), and further in view of Bartholomew et al. (US 6,202,209), herein referred to as Bartholomew.

As per claim 1, Lisimaque et al. disclose a device to load commands of a service in a computer system including a server and at least one integrated circuit card (CARD) connected together via a network, said at least one integrated circuit card including a first command execution program (PI) and a first memory (M1), wherein,

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said at least one integrated circuit card (CARD) includes:

- means to search for a sequence block (B) capable of searching on said server or in said first memory (M1) a command sequence block specific to a service (see page 21, lines 1-8, where it is implied that the card has to perform some kind of search operation to recognize if the application selected is not initialized or present; further application being located in non-volatile memory, page 10, lines 21-23), for at least one command (CD) of said sequence block (B) being executed by said first command execution program (P1) [see page 12, lines 4-9, where execution program is maintained by a virtual machine] or transmitted to a subscriber unit (SU) and executed by a second execution program (P2) of said subscriber unit (SU),

and, said server includes:

- means (ML) for loading said integrated circuit card at least one block (B) of commands of said, service (S) [see page 21, lines 18-21, where loading in an entire application implies at least one command sequence block].

Although the system disclosed by Lisimaque et al. shows substantial features of the claimed invention (discussed above), it fails to disclose loading said integrated circuit card with only a part of a sequence of commands of said service, said part of said sequence of commands of said service, wherein upon completion of loading, only part of said sequence is loaded.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Lisimaque et al., as evidenced by Bartholomew.

In an analogous art, Bartholomew discloses a system for programming data in a PCMCIA card (which could be a smart card (see column 19, lines 1-5)), where only a part of a sequence of commands of a service are loaded (see column 10, lines 14-46).

Given the teaching of Bartholomew, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Lisimaque et al. by employing partial command downloading, such as disclosed by Bartholomew, in order to execute a program within a limited amount of memory.

As per claim 2, Lisimaque et al. in view of Bartholomew further disclose that said first memory is non volatile (see Lisimaque et al. page 10, lines 21-23).

As per claim 3, Lisimaque et al. in view of Bartholomew further disclose that said integrated circuit card includes a second non volatile memory (M2) including data specific to at least one service (see Lisimaque et al. page 10, lines 16-19, where the operating system implies including data specific to at least one service when the service is running).

As per claim 5, Lisimaque et al. in view of Bartholomew further disclose that said server includes means (MU) capable of modifying, erasing, and adding, in said first memory (M1) at least one sequence block (B) [see Lisimaque et al. page 16, lines 1-8, where modifying is considered the refreshed use rights].

As per claim 7, Lisimaque et al. in view of Bartholomew further disclose that said integrated circuit card includes data request means (RD), wherein data is sent by a service center (see Lisimaque et al. pages 20 and 21, lines 21-23 and 1-21).

As per claim 8, Lisimaque et al. in view of Bartholomew further disclose that said integrated circuit card includes means of interpreting (MI) command sequence blocks (see Lisimaque et al. page 21, lines 1-10).

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lisimaque et al. in view of Bartholomew as applied to claims 1 above, and further in view of McGauley et al. (US 5,899,998).

As per claim 4, although the system disclosed by Lisimaque et al. in view of Bartholomew shows substantial features of the claimed invention (discussed above), it fails to disclose that said server includes means to back up (MSSEQ1,MSSEQ2) at least one sequence block (B) in said first memory (M1).

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Lisimaque et al. in view of Bartholomew, as evidenced by McGauley.

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In an analogous art, McGauley discloses a portable data carrier such as a smart card that stores records (see column 2, lines 41-45). Further showing that it would have been obvious to have a server with a means to back up at least one sequence block in a memory (see Fig. 9, where data from a portable data carrier (PDC) is backed up onto a point of service (POS) station).

Given the teaching of McGauley, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Lisimaque et al. in view of Bartholomew by employing a means to back up at least one sequence block in a memory, such as disclosed by McGauley, in order to have an updated record from a patient the next time they arrive at the doctors.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lisimaque et al. in view of Bartholomew as applied to claim 1 above, and further in view of Drews et al. (US 5,467,081).

Although the system disclosed by Lisimaque et al. in view of Bartholomew shows substantial features of the claimed invention (discussed above), it fails to disclose that said first memory (M1) includes a first area (Z1) and a second area (Z2), said first area (Z1) having read and write access by said server and read access by said integrated circuit card, said second area (Z2) having read and write access by said integrated circuit card.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Lisimaque et al. in view of Bartholomew, as evidenced by Drews et al.

In an analogous art, Drews et al. disclose a smart card with a first area and a second area, with the areas having the ability to control read and write access (see columns 1 and 2, lines 53-67 and 1-11).

Given the teaching of Drews et al., a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Lisimaque et al. in view of Bartholomew by employing memory blocks with different read and write attributes, such as disclosed by Drews et al., in order to protect against illicit reading or writing.

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7. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lisimaque et al. (WO 98/09257) in view of Bartholomew, and further in view of McGauley et al. (US 5,899,998).

As per claim 9, Lisimaque et al. in view of Bartholomew disclose a method to execute commands in a computer system including a server and an integrated circuit card (CARD) connected together via a network, said integrated circuit card including a first command execution program (P1) and a first memory (M1), as claimed, comprising:

- seeking said at least one command sequence block (B) on said server or in said first memory (M1) [see Lisimaque et al. page 21, lines 1-8, where it is implied that the card has to perform some kind of search operation to recognize if the application selected is not initialized or present; further application being located in non-volatile memory, page 10, lines 21-23],
- and, if said at least one command sequence block (B) sought is stored on said server, loading said integrated circuit card with only part of at least one command sequence block specific to said service from said server, to be executed using said first execution program (P1), or using a second program (P2) in a subscriber unit (SU connected to said card (CARD), wherein upon completion of loading, only said part of said at least one command sequence block specific to said service is loaded (see Bartholomew column 10, lines 14-46).

Although the system disclosed by Lisimaque et al in view of Bartholomew shows substantial features of the claimed invention (discussed above), it fails to disclose backing up at least one command sequence block specific to a service on said server.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Lisimaque et al. in view of Bartholomew, as evidenced by McGauley.

In an analogous art, McGauley discloses a portable data carrier such as a smart card that stores records (see column 2, lines 41-45). Further showing that it would have been obvious to have a server

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with a means to back up at least one sequence block in a memory (see Fig. 9, where data from a portable data carrier (PDC) is backed up onto a point of service (POS) station).

Given the teaching of McGauley, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Lisimaque et al. in view of Bartholomew by employing a means to back up at least one sequence block in a memory, such as disclosed by McGauley, in order to have an updated record from a patient the next time they arrive at the doctors.

As per claim 10, Lisimaque et al. in view of Bartholomew in view of McGauley further disclose backing up said at least one command sequence block (B) from said server in said first memory (M1) [see Lisimaque et al. page 21, lines 18-21].

As per claim 11, Lisimaque et al. in view of Bartholomew in view of McGauley further disclose updating in the first memory (M1), said at least one command sequence block (B) specific to a service (S) [see Lisimaque et al. page 21, lines 18-21, where loading in an entire application implies at least one command sequence block].

As per claim 12, Lisimaque et al. in view of Bartholomew in view of McGauley further disclose that the search for said at least one command sequence block on said server consists of transmitting a data request (RD) from said integrated circuit card to a service server (see Lisimaque et al. pages 20 and 21, lines 21-23 and 1-21).

As per claim 13, Lisimaque et al. in view of Bartholomew in view of McGauley further disclose interpreting in said integrated circuit card said at least one command sequence block (B) before its execution (see Lisimaque et al. page 21, lines 1-10).

As per claim 14, Lisimaque et al. in view of Bartholomew in view of McGauley further disclose that during said execution of a command (CD) of said at least one command sequence block (B) receiving in said first memory (M1) at least one other command (CD) of said at least one command sequence block (see Lisimaque et al. page 21, lines 6-10).



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***Response to Arguments***

8. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

9.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Chea whose telephone number is 571-272-3951. The examiner can normally be reached on M-F 7:00-4:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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Philip J Chea  
Examiner  
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